

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

---

In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 ) MB Docket No. 05-  
311  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

---

**COMMENTS OF SUN PRAIRIE CABLE ACCESS TELEVISION**

These Comments are filed by Sun Prairie Cable Access Television in support of the comments filed by the Alliance for Community Media (“Alliance”), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors (“NATOA”), the Wisconsin Association of Public, Education, and Government Access Channels (“WAPC”), and other national and local government organizations. Like the Alliance, Sun Prairie Cable Access Television and Sun Prairie Cable Access Telecommunications Commission believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access (“PEG”) services in our community.

As these comments will show Sun Prairie Cable Access Television, comprised of KIDS-4 and KSUN-12 channels, provides many valuable services to the City of Sun Prairie and is an important community resource. This valuable resource could not have been developed or maintained without the support of revenues from the local cable franchise fees.

**Cable Franchising in Sun Prairie, Wisconsin**

**Community Information**

Sun Prairie, Wisconsin is a city with a population of 24,219. Our franchised cable provider is Charter Communications, Inc. Our community has negotiated cable franchises since 1976. When the first franchise was negotiated, Sun Prairie

asked for and received two local channels. One of these is a channel that was designated as a children's channel. This channel produces television for children by children and the programs on this channel are largely produced by children ages 9 to 14. The other channel provides general community access ("PEG").

### **Sun Prairie's Current Franchise**

Sun Prairie's current franchise began on May 1, 1998 and expires on March 31, 2013.

Our franchise requires the cable operator to pay a franchise fee to the City of Sun Prairie, in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Sun Prairie's franchise requires the cable operator to provide two public, educational, and governmental ("PEG") access channels. One channel, KSUN 12 is devoted to public, educational and government access. The other channel, KIDS-4, is devoted to children, providing television for kids by kids. KIDS-4 is a unique program only found at Sun Prairie Cable Access. KIDS-4 has been providing area youth with a chance to learn all about television and media literacy for over 25 years. Children ages 9 – 14 experience all aspects of television production. They are responsible for cameras, sound, lighting, editing, directing, talent and the content of their programs. KIDS-4 crews run October through May. Younger crews meet once a week after school for an hour. The middle school crew meets for two and a half to three hours and produces a live program each week. We generally have crews four days a week, with two or more crews in a day. In the 2005-2006 school year we had 76 children in the program.

Sun Prairie's franchise requires that our PEG channels be supported in the following ways by the cable operator:

- 5% of the Gross revenues from the City of Sun Prairie including but not limited to regular subscriber service, revenues derived from per-program charges, leased channel revenues, advertising revenues, or any other income derived from the system.
- Producers Fund
- Directors Fund
- Rent Subsidy

Sun Prairie's franchise allows for capital and operating support for PEG Access, KIDS-4 and other public interest services in the amount of 5% of gross revenues. The cable operator also voluntarily pays for half of our annual rent and financially supports a Producers Fund and Directors Fund.

The cable operator also provides free cable service to the school system, the local senior center, the Emergency Services Center and Fire Station and the City Municipal Building. The Sun Prairie School System has a closed circuit video loop that was installed and continues to be maintained by the cable provider.

The Sun Prairie franchise contains the following requirements regarding emergency alert systems: "The grantee shall provide, in a location to be designated by the city, a metro data machine and character generator or such other equipment as is necessary for use and implementation of the emergency alert system." This system operates on channel KSUN 12 and is controlled by the police department. The system has enabled our public safety officials to reach residents quickly with reliable information during snow emergencies, tornado warnings and other disasters.

### **PEG Access Services**

Sun Prairie Cable Access has provided access services since February 17, 1976. We operate two access channels. In 2005, Sun Prairie Cable Access KSUN 12 and KIDS – 4 provided 1,092 new original local programming to the cable subscribers of Sun Prairie. In 2005, citizens of Sun Prairie used our equipment and facility 462 times for a total 535 hours of use.

Sun Prairie Cable Access Television provides a variety of services to the community as the list below demonstrates.

- *Video bulletin board with text and graphics for community announcements* on channel 12 and channel 4. Channel 4, KIDS-4, contains information of interest to children 14 and under and their families. Channel 12, KSUN 12, contains information for High School ages and above. We had 2,428 pages of community information on our video bulletin board in 2005.
- *Live, regularly scheduled and special meetings of the City of Sun Prairie and the Sun Prairie School Board.* Gavel to gavel meeting coverage includes the Sun Prairie Common Council, Planning and Zoning Commission, and The Sun Prairie School Board and School Board Finance Committee.
- *Live Programming* such as High School Graduation and Thursday Night Live, a middle school weekly program.
- *Live Candidate forums and debates.* Sun Prairie Cable Access Television provides live candidate forums and live candidate debates for local and some regional political races including Sun Prairie Alderman, Mayor, School

Board, County Board of Supervisors, County Executive, Wisconsin State Assembly, Wisconsin State Senate, and Wisconsin Representative.

- *Community-produced television programming.* Our channels cablecast over 1,000 new programs each year. Of these 98% are locally produced. Examples of programs include:
  - Worship services from nine local churches; one service is in Spanish.
  - Programs from our local senior center, including special programs, educational presentations of interest to seniors, musical presentations, fashion shows, tours, and a weekly program highlighting activities and programs at the senior center hosted by a 90 year-old volunteer.
  - Musical concerts by the band, orchestra, choir and jazz departments of the elementary, middle and high schools.
  - School assembly programs featuring local authors, museum presentations, excerpts from plays and information about drug and alcohol abuse, for example.
  - School sports including football, boys and girls basketball, boys and girls soccer, wrestling, track and hockey.
  - Presentations from local service groups such as Rotary, Exchange Club, Optimist Club, VFW, American Legion, Lions, 20<sup>th</sup> Century Club and Colonial Club.
  - Productions by KIDS-4 crews made up of children ages 9 to 14 from all the Sun Prairie schools.
  - Parades, Festivals and Holiday celebrations. This includes Memorial Day Parades and ceremonies, Veterans Day Parades, high school homecoming parade, local Sun Prairie Cornfest parade, Flags of Freedom Parade, holiday tree lighting, Groundhog Day prognostication, holiday egg hunt, Martin Luther King celebration and Colonial Club Senior Center Strawberry Fest.
  - Chamber of Commerce seminars, meetings and leadership classes.
  - Presentations from the high school crew.
  - Local midget car races at a local track.
- *Media literacy classes.* These classes are provided to the youth of Sun Prairie through the KIDS-4 program offered by the Sun Prairie Cable Access Television Station. The program started in 1979 and has introduced hundreds of children to the concepts of media literacy and responsible television viewing.
- *Video production classes.* Sun Prairie Cable Access Television offers four video production courses each month or by appointment. Classes include on-location video production, in-studio video production, editing, and a course for parents of children in the KIDS-4 program.

- *Media training for at-risk students.* Sun Prairie Cable Access Television has worked with the Sun Prairie S.O.A.R. alternative high school to provide media training for at risk students.
- *Internet access.* Through Charter, Internet access is provided to the Colonial Club Community Senior Center.
- *Annual Film Festival.* Sun Prairie Cable Access hosts an annual Film Festival that is a way for amateur producers to display their work.

### **The Franchising Process**

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

### **Competitive Cable Systems**

Sun Prairie has never been approached by a competitive provider to provide service. There is nothing in the present City of Sun Prairie ordinance or franchise agreement that would discourage competition.

### **Conclusions**

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in digital telecommunication services. The existing franchise process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Sun Prairie as the above information indicates. The City of Sun Prairie is experienced in working with cable service providers, and various community interests to ensure that the needs of the local community are met, taking into consideration that the business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises also ensure that the cable operator provides the PEG Access services that are responsive to local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG Access, KIDS-4, institutional networks, local emergency alerts, or KIDS-4 media literacy program, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The Sun Prairie Cable Access Telecommunication Commission and Sun Prairie Cable Access Television therefore respectfully request that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and make clear that imposing equivalent requirements on a new entrant, including PEG Access, consumer protections and other public interest services requirements does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law.

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse

points of view, local programs, community based education and political speech;

3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Sun Prairie Cable Access Telecommunication  
Commission and Sun Prairie Cable Access  
Television

By: Louis E. Blaser, Chairman  
Cable Access Telecommunications

Commission

Pamela A. Steitz, Executive Director  
Sun Prairie Cable Access Television  
1350 Linnerud Drive, Suite 2  
Sun Prairie, WI 53590

cc: John Norton, FCC [John.Norton@fcc.gov](mailto:John.Norton@fcc.gov)  
Andrew Long, FCC [Andrew.Long@fcc.gov](mailto:Andrew.Long@fcc.gov)  
Alliance for Community Media, [Getup@alliancecm.org](mailto:Getup@alliancecm.org)  
NATOA, [info@natoa.org](mailto:info@natoa.org)  
Mary Cardona, Wisconsin Association of P.E.G. Access Channels  
[WAPC@tds.net](mailto:WAPC@tds.net)